

## UNITED STATES DISTRICT COURT

for the

District of South Carolina

United States of America

v.

FRANK MERLINO

Defendant

Case No. 4:09cr00965-01

Charging District's Case No. 05CR10231

**WAIVER OF RULE 32.1 HEARING  
(Violation of Probation or Supervised Release)**

I understand that I have been charged with violating the conditions of probation or supervised release in a case pending in another district, the *(name of other court)* DISTRICT OF MASSACHUSETTS.

I have been informed of the charges and of my rights to:

- (1) retain counsel or request the assignment of counsel if I am unable to retain counsel;
- (2) an identity hearing to determine whether I am the person named in the charges;
- (3) production of certified copies of the judgment, warrant, and warrant application, or reliable electronic copies of them if the violation is alleged to have occurred in another district;
- (4) a preliminary hearing to determine whether there is probable cause to believe a violation occurred if I will be held in custody, and my right to have this hearing in this district if the violation is alleged to have occurred in this district; and
- (5) a hearing on the government's motion for my detention in which I have the burden to establish my eligibility for release from custody.

I agree to waive my right(s) to:

- ☐ an identity hearing and production of the judgment, warrant, and warrant application.
- ☐ a preliminary hearing.
- ☐ a detention hearing.
- ☒ an identity hearing, production of the judgment, warrant, and warrant application, and any preliminary or detention hearing to which I may be entitled in this district. I request that those hearings be held in the prosecuting district, at a time set by that court.

I consent to the issuance of an order requiring my appearance in the prosecuting district where the charges are pending against me.

Date: 9-1-09

Defendant's signature

Signature of defendant's attorney

Printed name of defendant's attorney